

REMARKS

Applicants amend independent claims 1 and 9, and claims 1-15 are pending in this application. Applicants respectfully request allowance of all the pending claims.

The Examiner rejects claims 1-4, 6, and 8 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,857,538 (“Chambers”). The Examiner rejects claim 5 under 35 U.S.C. §103(a) as being unpatentable over Chambers in view of United States Patent No. 4,828,069 (“Hatsuyama”), and the Examiner rejects claim 7 under 35 U.S.C. §103(a) as being unpatentable over Chambers in view of French Patent No. 1020216 (“Bernard”).

Claim 1 recites a motorcycle including a frame and an engine/transmission assembly mounted to said frame and having an output shaft rotating in response to the operation of the engine/transmission assembly. A drive sprocket is mounted to the output shaft for rotation with the output shaft. A swingarm is pivotably mounted to the frame or the engine/transmission assembly for pivotal movement within a range of motion. A rear wheel is mounted to the swingarm for rotation, and a wheel sprocket is mounted to the rear wheel for rotation with the rear wheel. A flexible drive member couples the drive sprocket and the wheel sprocket such that the rear wheel is caused to rotate in response to the operation of the engine/transmission assembly. The flexible drive member includes an upper extent extending between the upper portions of the drive sprocket and the wheel sprocket, and a lower extent extending between the lower portions of the drive sprocket and the wheel sprocket. A tensioner contacts the lower extent and is fixed to the frame or the engine/transmission assembly against both pivotal and translational movement with respect to the output shaft. The lower extent remains in contact with the tensioner as the swingarm pivots through the range of motion. The drive sprocket, the wheel sprocket, and the tensioner are sized and positioned such that a belt path length defined by the drive sprocket, the rear sprocket, and the tensioner remains substantially constant as the swingarm pivots through the range of motion.

Chambers discloses a motorcycle (10) having engine operably coupled to the rear wheel (58) by a chain (11). In Figs. 9 and 10, the motorcycle includes a tensioner (not identified) that contacts the lower extent of the chain (11).

Chambers does not teach or suggest, among other things, a tensioner that is fixed to the frame or the engine/transmission assembly against both pivotal and translational movement with respect to the output shaft, that remains in contact with the lower extent as the swingarm pivots

through the range of motion, and that, in combination with the drive sprocket and the wheel sprocket, defines a belt path length which remains substantially constant as the swingarm pivots through the range of motion.

Applicants note that, other than illustrating a chain tensioner in Figs. 9 and 10, Chambers does not describe a chain tensioner or a method of operating a chain tensioner anywhere within the specification of Chambers. Applicants respectfully disagree with the Examiner and submit that the chain tensioner illustrated in Figs. 9 and 10 does not disclose a fixed tensioner as claimed. In support of this position, Applicants direct the Examiner's attention to the attached Rule 1.132 Declaration of Dane J. Hoechst, which provides reasons why the illustrated chain tensioner could not be a fixed tensioner as described by the Examiner.

If the Examiner disagrees with the arguments presented in this Amendment, Applicants respectfully request the Examiner to identify within Chambers where it discloses a tensioner that is fixed to the frame or the engine/transmission assembly against both pivotal and translational movement with respect to the output shaft, that remains in contact with the lower extent as the swingarm pivots through the range of motion, and that, in combination with the drive sprocket and the wheel sprocket, defines a belt path length which remains substantially constant as the swingarm pivots through the range of motion.

For the reasons stated above, Chambers does not teach or suggest the subject matter defined by independent claim 1. Accordingly, independent claim 1 is allowable. Claims 2-8 depend from allowable independent claim 1 and are allowable for the same and other reasons.

The Examiner rejects claims 9, 10, 12, 14, and 15 under 35 U.S.C. §102(b) as being anticipated by Chambers. The Examiner rejects claim 11 under 35 U.S.C. §103(a) as being unpatentable over Chambers in view of Hatsuyama, and the Examiner rejects claim 13 under 35 U.S.C. §103(a) as being unpatentable over Chambers in view of Bernard.

Claim 9 recites a method for tensioning a motorcycle flexible drive member. The method includes providing a motorcycle frame and a swingarm, mounting an engine/transmission assembly to the motorcycle frame, the engine/transmission assembly having an output shaft rotating about an axis of rotation in response to operation of the engine/transmission assembly, mounting a drive sprocket to the output shaft for rotation therewith, mounting a rear wheel to the swingarm for rotation with respect to the swingarm, mounting a wheel sprocket to the rear wheel for rotation therewith, pivotably interconnecting the swingarm with at least one of the frame and engine/transmission assembly to permit pivotable movement of the swingarm in a range of motion about a pivot axis that is non-collinear with the axis of rotation of the output shaft, coupling the drive sprocket and the wheel sprocket with a flexible drive member such that the rear wheel rotates in response to rotation of the output shaft, mounting a tensioner to at least one of the engine/transmission assembly and frame such that the tensioner applies tension to a lower extent of the drive member, fixing the tensioner against translational and pivotable movement with respect to the engine/transmission assembly and frame, pivoting the swingarm through the range of motion while maintaining a substantially constant belt path length defined by the drive sprocket, the wheel sprocket, and the tensioner, and maintaining contact between the lower extent and the tensioner as the swingarm pivots through the range of motion.

Chambers does not teach or suggest fixing the tensioner against translational and pivotable movement with respect to the engine/transmission assembly and frame, pivoting the swingarm through the range of motion while maintaining a substantially constant belt path length defined by the drive sprocket, the wheel sprocket, and the tensioner, and maintaining contact between the lower extent and the tensioner as the swingarm pivots through the range of motion.

Applicants again note that, other than illustrating a chain tensioner in Figs. 9 and 10, Chambers does not describe a chain tensioner or a method of operating a chain tensioner anywhere within the specification of Chambers. Applicants respectfully disagree with the Examiner and submit that the chain tensioner illustrated in Figs. 9 and 10 does not disclose a fixed tensioner as claimed. In support of this position, Applicants direct the Examiner's attention to the attached Rule 1.132 Declaration of Dane J. Hoechst, which provides reasons why the illustrated chain tensioner could not be a fixed tensioner as described by the Examiner.

If the Examiner disagrees with the arguments presented in this Amendment, Applicants respectfully request the Examiner to identify within Chambers where it discloses fixing the

tensioner against translational and pivotable movement with respect to the engine/transmission assembly and frame, pivoting the swingarm through the range of motion while maintaining a substantially constant belt path length defined by the drive sprocket, the wheel sprocket, and the tensioner, and maintaining contact between the lower extent and the tensioner as the swingarm pivots through the range of motion.

For the reasons stated above, Chambers does not teach or suggest the subject matter defined by independent claim 9. Accordingly, independent claim 9 is allowable. Claims 9-15 depend from allowable independent claim 9 and are allowable for the same and other reasons.

The Examiner is invited to contact the undersigned attorney should the Examiner determine that such action would facilitate the prosecution and allowance of the present application.

Respectfully submitted,



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